

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

**IN THE MATTER OF:** )  
 )  
**Request for Waiver for the** ) **CC Docket No. 02-6**  
 )  
**GARDEN GROVE UNIFIED SCHOOL** )  
**DISTRICT Garden Grove, California** )

**Request for Waiver**

The Garden Grove Unified School District (“GGUSD” or the “District”), pursuant to and in accordance with Sections 54.719 – 54.721 of the Federal Communication Commission’s (“FCC” or “Commission”) rules, hereby requests the review of Administrator’s Denial for wireless broadband internet access discounts issued by the Universal Service Administrative Company (“USAC”) as administrator of the E- Rate Program (“E-rate”). GGUSD respectfully submits that under the circumstances there is good cause for the Commission to waive the rule in question. In particular, GGUSD<sup>1</sup> appeals their November 29, 2012 Funding Commitment Decision Letter<sup>2</sup>.

In the FCDL, the reason for denial states: *“The amount of the funding request was changed from \$1,649.43 per month to \$1,114.45 per month to remove: the cost associated with the internet access service that was not posted for on the FCC Form 470<sup>3</sup> (\$534.98).”*

While it is true that the wireless internet access was not specifically noted as a category of service on the Form 470, GGUSD respectfully contends that this clerical oversight did not impact the competitive bidding process or otherwise negatively impact the fund in any fashion, nor does it constitute any waste, fraud or abuse of any kind. The

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<sup>1</sup> GGUSD’s Billed Entity Number (BEN) is 143794.

<sup>2</sup> The Form 471 in question is 853091. The funding request involved is 2322954.

<sup>3</sup> Form 470 # 476720000942845

internet access in question was part of wireless cellular service on devices that require **both voice and data**. In fact, the Commission itself has since recognized that simply missing a check box on Form 470 indicating telecommunications or internet access has had a negative impact on applicants throughout the Country and upon release of the 2013 Eligible Services List, the following changes were made<sup>4</sup>.

Para 5 “... we update the ESL for funding year 2013 to consolidate the current list of telecommunications services, telecommunications and Internet access into a single Priority One category... Moreover, many of the services purchased by schools and libraries using E-rate funding **can fall into more than one of the regulatory classifications**. While these regulatory distinctions remain, moving the several types of Priority One services into one list on the ESL reflects the marketplace understanding that specific telecommunications services and Internet services may be used interchangeably to meet communications needs.” The R&O (2013 ESL) goes on to say Para 6, “...we do not expect applicants to classify their service requests into those categories when soliciting bids for those services. We therefore direct USAC, in conducting program integrity assurance (PIA) reviews, not to treat an applicant’s failure to correctly identify the type of Priority One service it is seeking on the FCC Form 470 as an automatic violation of the competitive bidding requirements...”

GGUSD contends that not checking the box for Internet Access on the fund year 2012/2013 Form 470 in question essentially equates to a minor ministerial or clerical error and is simply a procedural issue similar to those addressed as part of the Commission’s landmark Bishop-Perry Order (FCC-06-54).

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<sup>4</sup> DA 12-1553 2013 ESL Report and Order [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-12-1553A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-12-1553A1.pdf)

To withhold funding from the district because of a what amounts to a missing check mark, is contrary to the goals and objectives of the E-Rate program and will cause unnecessary and undue harm to Garden Grove Unified School District.

**Conclusion**

GGUSD requests that the Commission redirect the application and funding request to USAC for further review and full funding.

Respectfully Submitted,

/s/ Kimberly M. Friends

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